

1 MITCHELL K. CROOK
2 JOHNSON & ORR, P.S.
3 1038 JADWIN AVE.
4 RICHLAND, WA 99352
5 (509) 579-0080

6 Attorney for Defendant
7 REX KERN

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,

13 VS.

14 REX KERN,

15 Defendant.

NO. 4:22-CR-6038-MKD-1

MOTION TO WITHDRAW AS
COUNSEL **WITH ORAL**
ARGUMENT

Date: 2/20/2024
Time: 3:30 p.m.

16 **MOTION**

17 COMES now Scott W. Johnson and Mitchell K. Crook, counsel for the
18 defendant, Rex Kern, and moves this Court to allow them to withdraw as attorneys
19 of record for Mr. Kern as there has been "a significant breakdown in
20 communication that substantially interfered with the attorney-client relationship."
21 *United States v. Adelzo-Gonzalez*, 268 F.3d 772, 779 (9th Cir. 2001). Counsel
22 would request that new counsel be appointed for the defendant. This motion is
23 based on the attached Declaration of Counsel.
24
25
26

DECLARATION

I, Scott W. Johnson, first being duly sworn upon oath deposes and says:

1. This matter is currently pending before the Court. During a client meeting on Monday, February 19, 2024, communication between us and our client deteriorated to a point where the attorney-client relationship is non-existent. Counsel can elaborate on this breakdown at the hearing if the Court has additional questions.

2. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 19th day of February 2024, at Richland, WA.

Respectfully Submitted,

“s/Scott W. Johnson”
SCOTT W. JOHNSON, WSBA #27839
Attorney for Rex Kern

CERTIFICATE OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington, that on this 19th day of February 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Brandon Pang, Assistant U.S. Attorney, 825 Jadwin Ave., Richland, WA 99352

DATED this 19th day of February 2024.

“s/Scott W. Johnson”
SCOTT W. JOHNSON, WSBA #27839
Attorney for Rex Kern